

**DEFENDANTS' EXHIBIT K**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHARLES BOYLE, )

Plaintiff, )

-vs- ) No. 09 C 1080

UNIVERSITY OF CHICAGO )

POLICE OFFICER LARRY )

TORRES, et al., )

Defendants. )

**COPY**

The deposition of MICHAEL KWIATKOWSKI,  
called for examination pursuant to the Rules of  
Civil Procedure for the United States District  
Courts pertaining to the taking of depositions,  
taken before ATHANASIA MOURGELAS, a notary  
public within and for the County of Cook and  
State of Illinois, at 222 North LaSalle Street,  
Suite 300, Illinois, on the 10th day of  
November, 2009, at the hour of 10:09 o'clock  
a.m.

Reported by: Athanasia Mourgelas

License No. 084-004329

1 APPEARANCES:

2 ED FOX & ASSOCIATES, by  
3 MR. JONATHAN R. KSIAZEK,  
4 300 West Adams Street, Suite 330,  
5 Chicago, Illinois 60606,  
6 (312) 345-8877,

7 Representing the Plaintiff;

8  
9 HINSHAW & CULBERTSON, by  
10 MR. STEVE M. PUISZIS,  
11 222 North LaSalle Street, Suite 300,  
12 Chicago, Illinois 60601,  
13 (312) 704-3000,

14 Representing the Defendant,  
15 University of Chicago Police  
16 Officers;

17  
18 ASSISTANT CORPORATION COUNSEL, by  
19 MS. HELEN C. GIBBONS,  
20 30 North LaSalle Street, Room 900,  
21 Chicago, Illinois 60602,  
22 (312) 744-3982,

23 Representing the Defendant,  
24 City of Chicago.

1 I N D E X

2 WITNESS EXAMINATION

3 MICHAEL KWIATKOWSKI

4 By Mr. Ksiazek 6

5 By Ms. Gibbons 42

6 By Mr. Puiszis 44

7 BY MR. Ksiazek (further) 50

8

9

10

11

12 E X H I B I T S

13 NUMBER MARKED FOR ID

14 PLAINTIFF'S Deposition Exhibit

15 No. 10 33

16

17

18

19

20

21

22

23

24

1 (Whereupon, the deposition  
2 began at 10:09 o'clock a.m.)

3 (Witness sworn.)

4 MR. KSIAZEK: Can you please state your name  
5 spelling your last name for the record.

6 THE WITNESS: Michael Kwiatkowski,  
7 K-W-I-A-T-K-O-W-S-K-I.

8 MR. KSIAZEK: Officer Kwiatkowski, is that  
9 how you say it; right?

10 THE WITNESS: Yes, sir.

11 MR. KSIAZEK: Have you ever had your  
12 deposition taken before?

13 THE WITNESS: No.

14 MR. KSIAZEK: So this is your first time  
15 having your deposition taken of you?

16 THE WITNESS: Yes.

17 MR. KSIAZEK: I'm going to give you some  
18 ground rules, basically explain what we're doing  
19 here and what's going to happen. First of all,  
20 I'm just going to ask you some questions, and  
21 ask that you answer them truthfully and to the  
22 best of your knowledge. Is that okay?

23 THE WITNESS: Yes.

24 MR. KSIAZEK: And when you're answering

1 miles or blocks it is?

2 A. Approximately eight to nine blocks.

3 Q. And what were you doing when you got  
4 this dispatch?

5 A. Patrol.

6 Q. So you got this dispatch and you headed  
7 towards 53rd Street?

8 A. Yes.

9 Q. Do you remember what route you took to  
10 get to 53rd Street?

11 A. I believe I went north on Blackstone.

12 Q. And then you turned onto 53rd from  
13 Blackstone?

14 A. I would have turned westbound onto  
15 53rd.

16 Q. Okay. As you turned westbound onto  
17 53rd Street, what did you see?

18 A. Could you be more specific with the  
19 question?

20 Q. I'm just asking you as you're turning  
21 onto 53rd Street, what, if anything, did you see  
22 on 53rd Street?

23 A. I observed several University officers  
24 that have responded to a call trying to place a

1 subject into custody.

2 Q. Okay. And at some point did you park  
3 your vehicle?

4 A. Yes.

5 Q. And where did you park your vehicle?

6 A. Approximately I was -- my vehicle was  
7 -- it was west of 53rd Street -- it was west of  
8 Blackstone on 53rd Street.

9 Q. Do you know how far you traveled down  
10 53rd Street before you parked your vehicle?

11 A. I don't recall exactly. It could have  
12 been approximately a quarter of a block. I  
13 don't recall exactly.

14 Q. Okay. After you parked your vehicle,  
15 what did you do?

16 A. I exited my vehicle.

17 Q. And as you exited your vehicle, what  
18 did you see at that point?

19 A. Several officers trying to place the  
20 subject into custody.

21 Q. Can you describe how the officers --  
22 first of all, how many officers were there?

23 A. I would say approximately five at that  
24 point.

1 Q. Do you know if they were all University  
2 of Chicago officers or were there some Chicago  
3 Police Officers there?

4 A. They were all University of Chicago.

5 Q. Did you recognize any of the officers  
6 that were attempting to put the subject into  
7 custody?

8 A. Yes.

9 Q. Who did you recognize?

10 A. Officer Galarza, Torres, Gillespie,  
11 Officer Moore, and there -- that's all I could  
12 recall. There may have been a few more. That's  
13 all I can recall.

14 Q. Okay. So how were Officers Galarza,  
15 Torres, Gillespie and Moore attempting to place  
16 the subject into custody?

17 A. They were attempting to place him into  
18 handcuffs.

19 Q. Where was Officer Galarza in relation  
20 to the subject?

21 A. When I arrived, I believe Officer  
22 Galarza was by the subject's arms.

23 Q. And did you later learn that the  
24 subject at the scene that night was Charles



1 for much longer. I know the Chicago Police  
2 Department did arrive on the scene, and I  
3 believe the -- he was -- I'm not sure exactly if  
4 he was turned over to them or what happened  
5 next.

6 Q. When did you first see the Chicago  
7 Police Officers at the scene?

8 A. Shortly after the subject was in  
9 custody.

10 Q. Was that when Mr. Boyle was still on  
11 the ground or was that when he stood up?

12 A. I do not recall. I don't recall  
13 exactly.

14 Q. But you do remember Mr. Boyle being  
15 given over to the Chicago Police Department?

16 A. I'm not sure exactly who transported  
17 Mr. Boyle in. I wasn't there for that part of  
18 the call so I don't want to go further into that  
19 because I don't --

20 Q. What did you do once Mr. Boyle was  
21 stood up and given over to either the Chicago  
22 Police Department officers or some other  
23 officers?

24 A. I cleared the scene of the call and

1     went back on patrol.

2           Q.     Do you know when you actually cleared  
3     the scene?

4           A.     No.

5           Q.     Was it before or was it after Mr. Boyle  
6     was taken away from the scene?

7           A.     I believe it was before.

8           Q.     Did you have any conversations when  
9     Mr. Boyle was taken into custody with Officer  
10    Moore at that point?

11          A.     No, not that I can recall.

12          Q.     Did you have any conversations with  
13    Officer Torres once Mr. Boyle was taken into  
14    custody?

15          A.     Not that I can recall.

16          Q.     Did you have any conversations with  
17    Officer Galarza?

18          A.     Not that I can recall.

19          Q.     And did you have any with Officer  
20    Gillespie?

21          A.     No. I -- I may have spoken to him  
22    regarding his glasses because after the call we  
23    were looking for his glasses but that was the  
24    extent if there was any conversation.

1 Q. Do you recall what you said to Officer  
2 Gillespie or what he said to you?

3 A. No.

4 Q. Now, during this altercation when you  
5 saw Mr. Boyle on the ground and were attempting  
6 to assist placing him into handcuffs, at any  
7 point did you strike Mr. Boyle?

8 A. No.

9 Q. Did Mr. Boyle strike you?

10 A. No.

11 Q. Did you have any conversations with any  
12 Chicago Police Officers who were at the scene  
13 that night?

14 A. No.

15 Q. Did you ever talk to any of the four  
16 University of Chicago Police Officers that we  
17 have spoken of, Torres, Moore, Gillespie or  
18 Galarza about what happened that morning since  
19 October 18th, 2008?

20 A. Not specifically. I may have asked  
21 them if they were okay, but I don't recall any  
22 specific.

23 Q. Do you know when you asked them if they  
24 were okay?

1           A.    No, I don't recall.

2           Q.    Do you know if that was the same day or  
3   you just don't recall?

4           A.    I believe it was after the incident.  
5   Probably the days following. I couldn't give  
6   you specifics.

7           Q.    What did they say to you when you asked  
8   them if they were okay?

9           A.    I don't recall the specifics of the  
10   conversation.

11          Q.    Have you had any other involvement with  
12   this case outside of what you've spoken about  
13   today?

14          A.    There was one court appearance.

15          Q.    Do you recall when you appeared in  
16   court?

17          A.    I believe it was in January of '09.

18          Q.    And why were you in court in January of  
19   2009?

20          A.    I was subpoenaed for this case.

21          Q.    Did you end up testifying?

22          A.    No, I did not.

23          Q.    Did you ever -- on October 18th, 2008,  
24   did you ever tell dispatch that you were on the

1 scene?

2 A. Yes, I believe I did. I may have let  
3 dispatch know that I was, with the radio, on the  
4 scene.

5 Q. Did you ever tell dispatch everybody  
6 take a slow down?

7 A. I don't recall.

8 Q. Do you recall what you did tell  
9 dispatch that night?

10 A. No.

11 Q. When did you learn that the suspect on  
12 the scene was Charles Boyle?

13 A. I don't recall exactly.

14 Q. Did you fill out any paperwork in  
15 conjunction with this case?

16 A. No.

17 Q. You didn't fill out a police report?

18 A. No, I did not.

19 Q. And you didn't fill out an injury  
20 report?

21 A. No.

22 Q. Did you fill out a court report for  
23 your appearance on January 20th, 2009?

24 A. I do not believe I filed a court

1 report.

2 MR. KSIAZEK: I will mark this as Exhibit  
3 No. 10.

4 (Whereupon, PLAINTIFF'S  
5 Deposition Exhibit No. 10 was  
6 marked for identification.)

7 BY MR. KSIAZEK:

8 Q. What I've handed you and what's been  
9 marked as Plaintiff's Exhibit 10, these are your  
10 Answers to Interrogatories that you prepared  
11 with your counsel.

12 Do you recognize this document?

13 A. Yes.

14 Q. You've read through this document?

15 A. Yes.

16 Q. By the way, what documents did you read  
17 through in preparation for your deposition  
18 today?

19 A. This is the only document, the  
20 interrogatory.

21 Q. Okay. And if you look on the last  
22 page, which has been marked at the bottom as  
23 Page 10, that's your signature on the last page?

24 A. Yes.

1       Q.    If you look on Page 3, under answer --  
2    there's an answer to question two, which is on  
3    the previous page, which is Page 2, please  
4    identify all persons including but not limited  
5    to police officers who witnessed or have  
6    knowledge of the incident alleged in the  
7    plaintiff's complaint. And if you turn back to  
8    Page 3, in the second paragraph, which is in the  
9    middle of the page --

10       A.    Uh-huh.

11       Q.    -- in the last sentence says Officer  
12    Gerald Johnson and Lieutenant White were on the  
13    scene at some point?

14       A.    Yes.

15       Q.    Did you ever see Officer Johnson or  
16    Lieutenant White on the scene that night?

17       A.    Yes.

18       Q.    When did you see them on the scene?

19       A.    I don't recall the exact point.

20       Q.    Were they at the scene when you  
21    arrived, when you first arrived?

22       A.    No.

23       Q.    And do you know if you saw them after  
24    Mr. Boyle was placed into custody?

1           A.    Yes.

2           Q.    If you look above in the first  
3   paragraph, the second to last sentence in the  
4   answer it says, Officer Moore injured his left  
5   wrist and Officer Galarza injured his shoulder  
6   in the process.

7                   Do you know how Officer Moore injured  
8   his left wrist?

9           A.    No, I do not.  I don't know the  
10   specifics.

11          Q.    Do you know how Officer Galarza injured  
12   his shoulder?

13          A.    No.

14          Q.    And in the next sentence it states,  
15   Officer Gillespie was kicked in the head by the  
16   plaintiff breaking his glasses.

17                   And you stated previously you didn't  
18   see Officer Gillespie get kicked in the head?

19          A.    He stated that he was -- that's why we  
20   were looking for his glasses.

21          Q.    Sure.  But you never saw Officer  
22   Gillespie get kicked in the head; right?

23          A.    No, I didn't actually see that.  No.

24          Q.    Did you have any conversations with



1 Officer Moore or Officer Torres about them  
2 hearing a horn on October 18th, 2008 in relation  
3 to the Chrysler?

4 A. No. Not other than after the report,  
5 after the incident.

6 Q. Okay. Did you read the police report  
7 after the incident?

8 A. Yeah, I believe I did review it for --  
9 I saw a copy of it before we went to court.

10 Q. Was that the only time that you read  
11 the police report?

12 A. That I can recall.

13 Q. So was that the first time that you  
14 learned about the suspicious vehicle on October  
15 18th, 2008?

16 A. I don't recall exactly what the  
17 original dispatch was.

18 Q. Well, you said the dispatch was a 10-1?

19 A. No. But what I'm saying if there was  
20 radio traffic leading up to that point. I don't  
21 recall. I was responding to the 10-1.

22 Q. Well, when you arrived at the scene on  
23 October 18th, 2008, did you -- what did you know  
24 about what was taking place?

1       A.    Other than the fact that the 10-1 went  
2   out, that's what I was responding to. That's  
3   all I can recall at this point. I was  
4   responding to the 10-1.

5       Q.    Did you know anything about a  
6   suspicious vehicle when you arrived on the  
7   scene?

8       A.    I don't recall.

9       Q.    Did you know if there was a suspect  
10   that was resisting arrest when you arrived on  
11   the scene?

12      A.    No. I was responding to the call, the  
13   10-1. So I was responding to the officer's  
14   request for assistance and that --

15      Q.    So is your testimony that the dispatch  
16   didn't say anything about a suspicious vehicle?

17      A.    I don't recall exactly what was said  
18   over dispatch.

19      Q.    Okay. If you look on Page 6, and this  
20   answer asks -- I'm sorry, this question asks for  
21   your understanding of the policies and customs  
22   that govern writing of any log report when an  
23   individual is arrested and when the custody is  
24   transferred to the City of Chicago Police

1 Department.

2 As a University of Chicago officer, you  
3 can't arrest anyone; right?

4 A. Correct.

5 Q. Okay. So basically what University of  
6 Chicago officers do is you will detain a  
7 suspect; right?

8 A. Correct.

9 Q. Then you will wait for the Chicago  
10 Police Officers to arrive?

11 A. Yes.

12 Q. And the Chicago police officer will  
13 actually arrest?

14 A. Yes, they do the arrest report.

15 Q. And the University of Chicago officers  
16 they also write their own reports; right?

17 A. Yes, they do an in-house report.

18 Q. And they also patrol, the University of  
19 Chicago officers also patrol certain areas?

20 A. Yes, in our designated areas of patrol.

21 Q. So if you look on Page 7 of this  
22 document, under question 9, it states I was  
23 working an investigation in plain clothes on  
24 behalf of the University. That's the second

1 sentence in answer to question 9.

2 What plain clothes were you wearing on  
3 that night?

4 A. I don't recall exactly what I was  
5 wearing.

6 Q. But you weren't wearing your uniform?

7 A. Correct.

8 Q. Did you have any identification on you  
9 like a badge or a --

10 A. Yes, I had -- I wore a badge holder.

11 Q. And were you wearing that around your  
12 neck?

13 A. Yes.

14 Q. Have you ever been disciplined during  
15 your employment at the University of Chicago  
16 Police Department?

17 A. No.

18 Q. Have you ever been written up while  
19 working for the University of Chicago Police  
20 Department?

21 MR. PUISZIS: Objection. What do you mean  
22 by written up?

23 BY MR. KSIAZEK:

24 Q. I mean, have you ever been -- I'm not

1    sure if there's anything -- if there's a  
2    difference between write up or discipline, but  
3    have you ever been written up for any reason?

4           A.    I have not been disciplined.

5           Q.    Okay. Have you ever been -- have you  
6    ever had any investigations or any complaints  
7    against you?

8           A.    I was subject of an investigation.

9           Q.    What was -- when did this investigation  
10   take place?

11          MR. PUISZIS: Let me object because it's  
12   irrelevant, but you can go ahead and answer the  
13   question.

14          THE WITNESS: I believe it was in July of  
15   2008.

16   BY MR. KSIAZEK:

17          Q.    And what happened to cause this  
18   investigation to take place?

19          A.    The University officers responded to a  
20   call along with Chicago Police, and in the  
21   Chicago Police report it stated that OC spray  
22   was used by a University of Chicago police  
23   officer.

24                So the responding University of Chicago

1 Police Officers had an investigation opened on  
2 them by the Department to verify that this was  
3 not the case. We do not carry OC spray. It's  
4 not issued to us, and we're not authorized to  
5 use it. So it was unfounded.

6 Q. Just what is OC spray?

7 A. Oleoresin Capsicum. It's similar to a  
8 pepper spray. We are not authorized to carry or  
9 deploy it.

10 Q. And you were working -- in July of  
11 2008, you were working on this surveillance  
12 unit?

13 A. Yes.

14 Q. That was Unit 152; right?

15 A. Yes.

16 Q. Have you ever been sued in your  
17 capacity as University of Chicago police officer  
18 before?

19 A. No.

20 Q. Outside of this lawsuit, obviously  
21 outside of this lawsuit.

22 Did you have a computer in your vehicle  
23 on October 18th, 2008?

24 A. No.

1 Q. So when you would get some information  
2 -- or when you would request information about a  
3 potential suspect, you would have to relay  
4 information to dispatch; right?

5 A. Yes.

6 Q. And dispatch would tell you, for  
7 instance, if you had a license plate number,  
8 they would tell you who the owner of the car  
9 was?

10 A. Yes.

11 Q. Is there anything else that you wish to  
12 state or can think of in relation to this  
13 incident on October 18th, 2008?

14                      A.       No.

15 Q. Are there any other conversations that  
16 you had on October 18th, 2008 that we haven't  
17 spoken about today with anyone?

18 A. Not that I can recall.

19 MR. KSIAZEK: I don't have any further  
20 questions.

21 MS. GIBBONS: I just have a few questions.

## 22 EXAMINATION

23 BY MS. GIBBONS:

24 Q. Hi, Officer, I'm Helen Gibbons. I'm

1 one of the attorneys representing the City of  
2 Chicago Police Officers.

3 I just want to step back to the  
4 incident to understand who you saw there and  
5 when you noticed CP on the scene.

6 So you said that you noticed the  
7 Chicago Police Officers after the subject was in  
8 custody?

9 A. Yes, after the cuffs had been placed on  
10 him.

11 Q. Okay. But you didn't recall if  
12 Mr. Boyle was still on the ground or if he was  
13 standing up?

14 A. Correct.

15 Q. Do you recall about how many Chicago  
16 Police Officers were on the scene?

17 A. I don't recall exactly. I know it was  
18 -- there was at least one patrol unit, and I  
19 believe a sergeant responded. I don't have the  
20 specific beats or names.

21 Q. Okay. That was going to be my next  
22 question. You don't know any of the CP officers  
23 or the sergeant?

24 A. I don't recall.



1 MR. PUISZIS: I don't have anything else.

2 FURTHER EXAMINATION

3 BY MR. KSIAZEK:

4 Q. Okay. Just where was your vehicle  
5 parked in relation to you said the subject's  
6 vehicle, the silver Chrysler?

7 A. I don't recall the exact orientation  
8 where they were. I know my vehicle was facing  
9 westbound.

10 Q. Do you know how far apart from the  
11 silver Chrysler your vehicle was parked?

12 A. No, I do not recall.

13 MR. KSIAZEK: Nothing further.

14 MR. PUISZIS: No further questions.

15 MS. GIBBONS: I have nothing further.

16 MR. KSIAZEK: We'll reserve.

17 (Whereupon, the deposition  
18 concluded at 11:16 o'clock  
19 a.m.)

20

21 (FURTHER DEPONENT SAITH NAUGHT.)

22

23

24

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, ATHANASIA MOURGELAS, a notary public  
5 within and for the County of Cook County and  
6 State of Illinois, do hereby certify that  
7 heretofore, to-wit, on the 10th day of November  
8 2009, personally appeared before me, at 222  
9 North LaSalle Street, Suite 300, Chicago,  
10 Illinois, MICHAEL KWIATKOWSKI, in a cause now  
11 pending and undetermined in the Circuit Court of  
12 Cook County, Illinois, wherein CHARLES BOYLE, is  
13 the Plaintiff, and UNIVERSITY OF CHICAGO POLICE  
14 OFFICER, et al., are the Defendants.

15 I further certify that the said MICHAEL  
16 KWIATKOWSKI was first duly sworn to testify the  
17 truth, the whole truth and nothing but the truth  
18 in the cause aforesaid; that the testimony then  
19 given by said witness was reported  
20 stenographically by me in the presence of the  
21 said witness, and afterwards reduced to  
22 typewriting by Computer-Aided Transcription, and  
23 the foregoing is a true and correct transcript  
24 of the testimony so given by said witness as

1 aforesaid.

2 I further certify that the signature to  
3 the foregoing deposition was reserved by counsel  
4 for the respective parties.

5 I further certify that the taking of this  
6 deposition was pursuant to notice and that there  
7 were present at the deposition the attorneys  
8 hereinbefore mentioned.

9 I further certify that I am not counsel  
10 for nor in any way related to the parties to  
11 this suit, nor am I in any way interested in the  
12 outcome thereof.

13 IN TESTIMONY WHEREOF: I have hereunto  
14 set my hand and affixed my notarial seal this  
15 6th day of January, 2010.

16

17

18

19

20

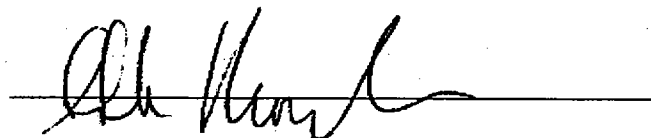
21

22

23

24





NOTARY PUBLIC, COOK COUNTY, ILLINOIS

LIC. NO. 84-4329

**DEFENDANTS' EXHIBIT L**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHARLES BOYLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 09 CV 1080
	)	
University of Chicago Police Officer	)	JUDGE BUCKLO
LARRY TORRES, Star # 1028,	)	MAGISTRATE JUDGE DENLOW
University of Chicago Police Officer	)	
CLARENCE E. MOORE, Star #1012,	)	
University of Chicago Police Officer	)	
GALARZA, University of Chicago Police	)	
Officer KWIATKOWSKI, University of	)	
Chicago Police Officer GILLESPIE,	)	
UNIVERSITY OF CHICAGO, Chicago	)	
Police Officer V. DARLING, Star #19135,	)	
Chicago Police Officer C. E. MARTIN,	)	
Star #17246, and the CITY OF CHICAGO,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF OFFICER DARLING**

I, Vincent Darling, being solemnly sworn on oath, do depose and state as follows:

1. My name is Vincent Darling.
2. On October 18, 2008 my height was: 5' 10", my weight was approximately 215 lbs.
3. On October 18, 2008 I had a moustache.
4. I am an African American with a medium complexion.
5. My partner Carl Martin is approximately 5' 10" and he weighs approximately 235 lbs. On October 18, 2008 he also had a moustache. He is an African American with a dark complexion.
6. The other Chicago Officer on scene before we arrived was Officer Mark Jones. Sgt. Witzak of the Chicago Police arrived at nearly the same time we did. Officer Mark Jones is approximately 5' 9" and he weighs approximately 160

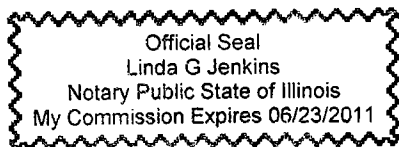
lbs. On October 18, 2008 Officer Jones had no facial hair. He is an African American with a medium complexion. On October 18, 2008, Sgt. Witzak was approximately 5' 10" and weighed about 175 lbs. He had no facial hair. He is Caucasian.

Further affiant sayeth not.

  
P.O. VINCENT DARLING

Signed and sworn before me on this  
31st day of March, 2010

  
Notary Public



**DEFENDANTS' EXHIBIT M**

## CHICAGO POLICE DEPARTMENT

## FINAL APPROVAL

CB #: 17392877

IR #: 1958082

YD #:

RD #: HP634061

EVENT #: 0829202513

## ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

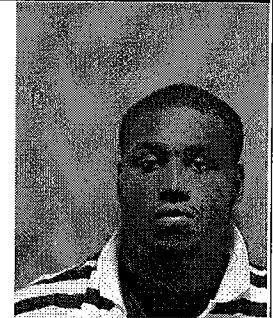
CPD-11.420C (REV. 6/30)

## ARREST REPORTING

Name: BOYLE, Charles D

Res: [REDACTED]  
Chicago, IL 60649

Beat: 331

Male  
Black  
5' 09"  
197 lbs  
Brown Eyes  
Black Hair  
Short Hair Style  
Dark ComplexionEmpl: Church  
Maintenance

DOB: [REDACTED]

AGE: 21 years

POB: Illinois

SSN: [REDACTED]

DLN: [REDACTED]

ARMED WITH Unarmed

Marks: Tattoo Cloud on Upper Right Arm  
Tattoo Praying Hands on Upper Left Arm

OFFENDER

Arrest Date: 18 October 2008 02:56

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 1435 E 53rd St  
Chicago, IL 60615  
304 - Street

Beat: 2132

Dependent Children? No

DCFS Ward ? No

Holding Facility: District 002 Male Lockup

Resisted Arrest? Yes

INCIDENT

Victim

CHARGES

1 Offense As Cited 720 ILCS 5.0/31-1-A

RESIST/OBSTRUCT - PEACE OFFICER/ CORRECTIONAL EMP

Class A - Type M

2 Offense As Cited 720 ILCS 5.0/31-1-A

RESIST/OBSTRUCT - PEACE OFFICER/ CORRECTIONAL EMP

Class A - Type M

RECOVERED  
NARCOTICS

NO NARCOTICS RECOVERED

IR #1958082

WARRANT

NO WARRANT IDENTIFIED

CB #: 17392877



## Chicago Police Department - ARREST Report

CB #: 17392877

BOYLE, Charles

## ARREST REPORTING

NON-OFFENDER(S)

ARRESTEE  
VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

**Confiscated Properties :**

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR BOYLE, Charles, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

IN SUMMARY : A/O'S RESPONDED TO ASSIST UNIVERSITY OF CHICAGO POLICE, UPON ARRIVAL SPOKE WITH U OF C POLICE OFFICER MOORE, CLARENCE #1012, AND U OF C OFFICER TORRES, LARRY #1028, WHO RELATED TO A/O'S THAT THE ABOVE LISTED OFFENDER BOYLE, CHARLES D., REFUSED TO PRODUCE ID UPON AN INVESTIGATORY STREET STOP, AND DURING A PROTECTIVE PATDOWN OFFENDER BECAME COMBATIVE BY FLAILING HIS ARMS AND PULLING AWAY. OFFENDER TAKEN INTO CUSTODY ON SIGNED COMPLAINTS, READ RIGHTS PER MIRANDA AND TRANSPORTED TO 021 DISTRICT FOR FURTHER PROCESSING. OFC TORRES ADVISED OF COURT INFO.

COURT INFO

Desired Court Date: 04 December 2008  
 Branch: 34-2 155 W 51ST ST - Room  
 Court Sgt Handle? Yes  
 Initial Court Date: 04 December 2008  
 Branch: 34-2 155 W 51ST ST - Room  
 Docket #:

BOND INFO

Bond Date: 18 October 2008 11:8  
 Type: Recognizance  
 Receipt #: I6770331  
 Amount: \$1,000.00

## Chicago Police Department - ARREST Report

CB #: 17392877

BOYLE, Charles

## ARREST REPORTING

## ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #19135 DARLING, V (PC0R101) 18 OCT 2008 04:39

## ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#19135	DARLING, V (PC0R101)	2132
2nd Arresting Officer:	#17246	MARTIN, C E (PC0S916)	2132

## APPROVING SUPERVISOR:

Approval of Probable Cause : #339 STOPPA, K A (PC0F280) 18 OCT 2008 04:40

## Chicago Police Department - ARREST Report

CB #: 17392877

BOYLE, Charles

## ARREST PROCESSING REPORT

Holding Facility: District 002 Male Lockup  
 Received in Lockup: 18 October 2008 07:21  
 Prints Taken: 18 October 2008 07:58  
 Palmprints Taken: Yes  
 Photograph Taken: 18 October 2008 07:57  
 Released from Lockup: 18 October 2008 11:15

Time Last Fed: 18 October 2008 07:22

Time Called:

Phone#:

Cell #: 2/3

Transport Details : 2PO 2132 18-OCT-2008 03:00

## VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury? No  
 Is there obvious signs of infection? No  
 Under the influence of alcohol/drugs? No  
 Signs of alcohol/drug withdrawal? No  
 Appears to be despondent? No  
 Appears to be irrational? No  
 Carrying medication? No

## ARRESTEE QUESTIONNAIRE

Presently taking medication? No  
 (if female)are you pregnant? No  
 First time ever been arrested? No  
 Attempted suicide/serious harm? No  
 Serious medical or mental problems? No  
 Are you receiving treatment? No

## RETURN TO HOLDING FACILITY COMMENTS:

## QUESTIONNAIRE REMARKS:

## LOCKUP KEEPER COMMENTS:

## EMERGENCY CONTACT

Name : SINCLAIR, Steven

Res: [REDACTED]  
[REDACTED] 49

Beat:0414

## INTERVIEW LOG

NO INTERVIEWS LOGGED

## VISITOR LOG

NO VISITORS LOGGED

Chicago Police Department - ARREST Report

CB #: 17392877

BOYLE, Charles

## ARREST PROCESSING REPORT

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

REL w/o CHARGING

DOES NOT APPLY TO THIS ARREST

PROCESSING PERSONNEL

## ARRESTEE PROCESSING PERSONNEL:

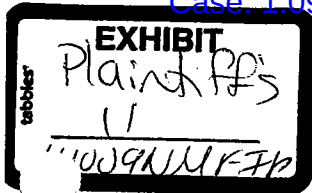
Beat

Searched By: #4299 DRIVER, F T (PC0E416)  
 Lockup Keeper: #9865 LAMAR, W L (PC0L482)  
 Assisting Arresting Officer: #1012 MOORE, C  
 Assisting Arresting Officer: #1028 TORRES, L  
 Fingerprinted By: #9865 LAMAR, W L (PC0L482)

## APPROVAL PERSONNEL:

Beat

Final Approval of Charges : #55 FLUDER, J A(PC02957) 18 OCT 2008 11:04



0655, CCMC-0222 &amp; CCMC-0225)

CCCR N654-100M-10/10/06 (

## THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES

(Defendant)

of 6733 SOUTH CHAPEL

(Address)

has, on or about

18 OCT 08

(Date)

at the location of 1435 EAST 53RD ST, Chicago, Cook County, IL.

(Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER  
 in that he KNOWINGLY RESISTED THE PERFORMANCE OF PO MOORE OF AN AUTHORIZED  
ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER ENGAGED IN THE  
EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN INVESTIGATORY STOP  
BY FAILING TO PRODUCE TO AND BECAME COMBATIVE BY FLAILING HIS ARMS

in violation of 720 Illinois Compiled Statutes

(Chapter)

5

(Act)

31-1

(Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS  
COOK COUNTY

ss:

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

X P.O. Clarence E. Moore  
 (Complainant's Signature)

\_\_\_\_\_  
 (Complainant's Address)

\_\_\_\_\_  
 (Complainant's Telephone)

X P.O. Clarence E. Moore  
 (Complainant's Name Printed or Typed)

X P.O. [Signature]  
 (Complainant's Signature)

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Master

(Judge's/Clerk's/Law Enforcement Officer's Signature)

# 17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
 or

WARRANT ISSUED, Bailset at: \_\_\_\_\_  
 or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_

Judge's No.

000015

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL COMPLAINT



34-2 4 DEC 10 900 CPD/COOK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES (Defendant) of 6733 SOUTH CHANDEL (Address) has, on or about

18 OCT 08 (Date)

at the location of 1435 EAST 53RD ST Chicago, Cook County, (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER in that he KNOWINGLY RESISTED THE PERFORMANCE OF PO MOORE OF AN AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN INVESTIGATORY STOP & FAILING TO PRODUCE TO AND BECAME COMBATIVE BY FLAING HIS ARMS

in violation of 720 (Chapter) Illinois Compiled Statutes

5 (Act)

131-1 (Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS } ss:  
 COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Menta

(Judge's/Clerk's/Law Enforcement Officer's Signature)

X P.O. Clarence E. Moore  
 (Complainant's Signature)

# 17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_

WARRANT ISSUED, Bail set at: \_\_\_\_\_ Judge's No. \_\_\_\_\_

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_ 000016

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

34-2 4DEC/0900 CPD/COOK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES (Defendant) of 6733 SOUTH CHAPEL (Address) has, on or about

18 OCT 08 (Date)

at the location of 1435 EAST 53RD ST Chicago, Cook County, IL (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER in that s/he KNOWINGLY RESISTED THE PERFORMANCE OF PO MOORE OF AN AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN INVESTIGATORY STOP OF A SUSPICIOUS CAR BY BECOMING COMBATIVE AND FLEEING HIS OFFICER'S COMMANDS

in violation of 720 (Chapter) Illinois Compiled Statutes

5 (Act)

31-1 (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS }  
 COOK COUNTY } ss:

X P.O. Clarence E. Moore (Complainant's Signature)

5555 (Complainant's Address)

(Complainant's Telephone)

X P.O. Clarence E. Moore (Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

X P.O. (Complainant's Signature)

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Martin

(Judge's/Clerk's/Law Enforcement Officer's Signature)

# 17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
 or

WARRANT ISSUED, Bail set at: \_\_\_\_\_  
 or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_

Judge's No.

000017

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

34-2 4 DEC / 0900 CPD / COOK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES (Defendant) of 6733 SOUTH CHAPEL (Address) has, on or about

18 OCT 08 (Date)

, at the location of 1435 EAST 53RD ST Chicago, Cook County, IL (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER in that (a) KNOWINGLY RESISTED THE PERFORMANCE OF PO MOORE OF AN AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN INVESTIGATORY STOP of a suspicious car by a peace officer and fled his car in violation of 120 Illinois Compiled Statutes (Chapter) 5 (Act) 31-1 (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS } ss:  
 COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Mester

(Judge's/Clerk's/Law Enforcement Officer's Signature)

X P.O. CLARENCE E. MOORE

(Complainant's Signature)

# 17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_ or \_\_\_\_\_ Judge's No. \_\_\_\_\_

ARANT ISSUED, Bail set at: \_\_\_\_\_ or \_\_\_\_\_

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

Judge's No.

000018



34-2 4 DEC/0900 CPD/COOK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

sdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE  
 (Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPPEL has, on or about  
 (Defendant) (Address)

18 OCT 08, at the location of 1435 EAST 53RD STREET, Chicago, Cook County IL  
 (Date) (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER  
 in that ~~he~~ KNOWINGLY RESISTED THE PERFORMANCE OF PD TORRES OF AN  
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER  
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN  
 INVESTIGATORY STOP BY FAILING TO PRODUCE ID AND BECAME COMBATIVE BY  
 FAILING TO STOP.

in violation of Illinois Compiled Statutes 5 131-1  
 (Chapter) (Act) (Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS } ss:  
 COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. M. [Signature]  
 (Judge's/Clerk's/Law Enforcement Officer's Signature)

#17246  
 (Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

JMMONS ISSUED, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
 or  
 WARRANT ISSUED, Bail set at: \_\_\_\_\_  
 or  
 BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_

34-2 4 DEC 10 900 CPD/COOK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

EXHIBIT A

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0022 & CCMC-0035)

CCCR N654-100M-10/10/06 ( )

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE  
 (Complainant's Name Printed or Typed)

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPEL  
 (Defendant) (Address) has, on or about18 OCT 08 at the location of 1435 EAST 53RD STREET, Chicago, Cook County  
 (Date) (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER  
 (that s/he) KNOWINGLY RESISTED THE PERFORMANCE OF PD TORRES OF AN  
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER  
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN  
 INVESTIGATORY STOP BY FAILING TO PRODUCE ID AND BECAME COMBATIVE &  
 FIGHTING HIS GROUND

in violation of Illinois Compiled Statutes

(Chapter)

5  
 (Act)131-1  
 (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--	--	--

STATE OF ILLINOIS }  
 COOK COUNTY } ss:

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2009

C. Maito

(Judge's/Clerk's/Law Enforcement Officer's Signature)

X J. Torres  
 (Complainant's Signature)

(Complainant's Address)

(Complainant's Telephone)

X J. Torres L. TORRES  
 (Complainant's Name Printed or Typed)X J. Torres  
 (Complainant's Signature)#17246  
 (Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
 orWARRANT ISSUED, Bail set at: \_\_\_\_\_  
 or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_

Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 ORIGINAL COURT FILE

Judge's No. \_\_\_\_\_

000020

34-2 4 DEC 10 900 CPD/COCK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE  
 (Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D (Defendant) of 6733 SOUTH CHAPEL (Address) has, on or about

18 OCT 08 (Date), at the location of 1435 EAST 53RD STREET, Chicago, Illinois (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER  
 in that he KNOWINGLY RESISTED THE PERFORMANCE OF PD TORRES OF AN  
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER  
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN  
 INVESTIGATORY STOP BY POLICE OFFICER TORRES BY BECOMING COMBATIVE

in violation of 120 Illinois Compiled Statutes

5 (Act)

131-1 (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS }  
 COOK COUNTY } ss:

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Maita

(Judge's/Clerk's/Law Enforcement Officer's Signature)

(Complainant's Signature)

(Complainant's Address)

(Complainant's Telephone)

(Complainant's Name Printed or Typed)

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
 or \_\_\_\_\_ Judge's No. \_\_\_\_\_

WARRANT ISSUED, Bailset at: \_\_\_\_\_  
 or \_\_\_\_\_

BAILSET AT: \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

34-2 4 DEC 10 900 CPD/COCK  
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. \_\_\_\_\_

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE  
 (Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPPEL has, on or about  
 (Defendant) (Address)

18 OCT 08  
 (Date)

, at the location of 1435 EAST 53RD STREET, Chicago, Cook County,  
 (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER

in that he KNOWINGLY RESISTED THE PERFORMANCE OF PO TORRES OF AN  
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER  
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN

INVESTIGATORY STOP BY A PEACE OFFICER. BY RESISTING THE PHYSICAL CONTACT  
 IN VIOLATION OF POSSIBLE STATUTE 5/31-1  
 (Chapter) Illinois Compiled Statutes (Act) (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS }  
 COOK COUNTY } ss:

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Mait

(Judge's/Clerk's/Law Enforcement Officer's Signature)

X J Torres

(Complainant's Signature)

#17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
 or Judge's No. \_\_\_\_\_

ARRANT ISSUED, Bail set at: \_\_\_\_\_  
 or

BAILSET AT: \_\_\_\_\_ Judge \_\_\_\_\_

Judge's No.

**DEFENDANTS' EXHIBIT N**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHARLES BOYLE,	)	
	)	No. 09 C 1080
Plaintiff,	)	
	)	
vs.	)	JUDGE BUCKLO
	)	
University of Chicago Police Officer	)	
LARRY TORRES, Star #1028, University of	)	Magistrate Judge Denlow
Chicago Police Officer CLARENCE E. MOORE,	)	
Star #1012, University of Chicago Police Officer	)	
GALARZA, University of Chicago Police Officer	)	
KWIATKOWSKI, University of Chicago Police	)	
Officer GILLESPIE, UNIVERSITY OF	)	
CHICAGO, Chicago Police Officer V. DARLING,	)	
Star #19135, Chicago Police Officer C. E.	)	
MARTIN, Star #17246, and the CITY OF	)	
CHICAGO,	)	
	)	
Defendants.	)	

**DEFENDANT OFFICER DARLING'S ANSWER TO  
PLAINTIFF'S INTERROGATORIES**

Defendants Officer Darling, by his attorney, Helen Gibbons, Assistant Corporation Counsel, answers Plaintiff's Interrogatories as follows:

**Interrogatories**

1. Please identify (including title) all persons who assisted in the responses to these interrogatories.

**ANSWER:** Defendant Officer objects to this interrogatory as vague and ambiguous as to "assisted", overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Defendant Officer states as follows: Police Officer Vincent Darling and Helen C. Gibbons, Assistant Corporation Counsel, City of Chicago Department

of Law, 30 North LaSalle Street, Suite 1400, Chicago, Illinois.

2. Please identify all persons, including but not limited to police officers, who witnessed or have knowledge of the incident alleged in the Plaintiff's Complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence and asks for information outside of his personal knowledge. Subject to and without waiving this objection, Defendant Officer states: The University of Chicago Officers have knowledge of the incident alleged in Plaintiff's complaint. By the time my partner Officer Martin and I arrived at the scene of the arrest, Plaintiff was already in handcuffs, there were a number of people there, but I do not know specifically who they are. There was a man and a woman, to the best of my knowledge the man indicated that Plaintiff was his cousin, but that he had not seen the interaction with Plaintiff and the University.

3. Please identify all persons, including but not limited to police officers, who are believed by defendants to have knowledge supporting Defendant's denials of Plaintiff's allegations. Briefly summarize what knowledge Defendant believes each person may possess.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is vague as to the term "police officers" as this case involves two separate entities with employees called police officers, overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent it calls for a legal conclusion. Subject to and without waiving this objection, Defendant Officer states: Plaintiff knows that my partner Officer Martin



and myself only arrived after he was in custody, also, please see my answer to the previous interrogatory.

4. Identify all police officers who were present at or near 1435 East 53<sup>rd</sup> Street, Chicago, Illinois 60615 at the time of the incident alleged in the complaint, and for each such officer indicate the following:

- a) Why he/she was at that location;
- b) Whether he/she had any physical contact with Plaintiff;
- c) Whether he/she participated in the arrest of Plaintiff;
- d) Whether he/she participated in the search of Plaintiff;
- e) Whether he/she had any participation in the bring of criminal charges against Plaintiff.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is vague as to time-frame, overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent it is duplicative of the previous two interrogatories and is therefore harassing. Subject to and without waiving this objection, Defendant Officer states: The co-defendants, as well as Chicago Police Officer Mark Jones and Sgt. Witczack. My partner and I were not present for the Plaintiff's arrest, nor did we have any contact with Plaintiff until later. University of Chicago Officers searched Plaintiff, we watched, and then he was placed in our car.



My partner and I did the relevant paper work, University of Chicago Officers signed the complaints.

5. If there were any investigations, including, but not limited to, an internal affairs, O.P.S., or Independent Police Review Authority investigation, relating to the incident alleged in Plaintiff's Complaint, please state who conducted and/or took part in it, and state and describe its findings.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it asks for information outside of his personal knowledge. Subject to and without waiving this objection Defendant Officer states: I am not aware of any investigation being instituted, my understanding is that a CR has been opened because of the filing of this lawsuit, but I am not sure the status of the investigation.

6. State whether you sustained any physical injury during your interaction with Plaintiff on or about October 18, 2008. If yes, describe your injury. Additionally, if you received any medical treatment for your injury state the date(s) of your treatment and identify the medical provider(s).

**ANSWER:** No.

7. Please state and describe your understanding of the policies and customs which govern the writing of any kind of log and/or report including, but not limited to, complaint report, arrest report, search report, property report, supplemental report, or otherwise, (1) when an individual is arrested for interfering with a public officer – resisting/obstructing/disarming an officer and (2) when an arrest is commenced and/or made by a University of Chicago Police Officer. Included in this response, must be when a log, report, or other document is to be written, on what type of form it is to be written, and what facts are to be put in such log, reports, or other document.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent this asks for information regarding University of Chicago Police Officers and their policies and customs. Please see general orders regarding the policies and customs responsive to this interrogatory.

8. Please state how long and in what capacity you have been employed by the City of Chicago Police Department. Your response should include a brief description of your change in assignments and/or rank if any, and when those changes occurred.

**ANSWER:** Defendant Officer objects to this interrogatory insofar as it seeks personal identifying information for law enforcement personnel, Subject to these objections Defendant states as follows: I was appointed December of 1996, I worked in the 6<sup>th</sup> district for 8 years as a Patrol Officer; and then around 2004 I started in the 21<sup>st</sup> district as a Patrol Officer, where I still work today.

9. Please describe your assignment with the City of Chicago Police Department on October 18, 2008. Your response should include the actual time you began and ended your duties.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the

discovery of admissible evidence, asks for information outside of his personal knowledge.

Subject to and without waiving these objections, Defendant Officer states as follows: I was assigned to beat 2132, which is part of a robbery mission, and also provides support for other beats in the surrounding area as needed. Beat 2132 is runs from 47<sup>th</sup> Street to 60<sup>th</sup> Street, and from the Lake to Blackstone. I worked from 12am to 8am which is 1<sup>st</sup> watch.

10. State the case number, caption, and jurisdiction of all civil cases in which you were named a defendant during the course of your employment with the City of Chicago Police Department.

**ANSWER:** This action is the only civil case that I have been named a defendant during the course of my employment with the City of Chicago Police Department .

11. Identify all complaints ( and the names of all complainants), including but not limited to, complaints of false arrests, excessive use of force, unlawful search and/or seizure, perjury, malicious prosecution, or general misconduct which have been lodged against you during the course of your career with the City of Chicago Police Department. Your response should list each number, such as complaint register number, that has been assigned to each complaint, indicate when each investigation was concluded, and state the nature of punishment, if any, received by the defendant as a result of the complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendant Officer's 5-year complaint history will be tendered upon entry of the appropriate protective order.

12. Identify all documents, notes, memoranda, or other writings, including internal investigations statements, police reports, and inter-agency memos which you wrote which relate or refer to the Plaintiff and/or the incident alleged in the Plaintiff's complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and calls for information outside of his personal knowledge. Subject to and without waiving these objections Defendant Officer states: I wrote the arrest report, original case incident report, and general offence case report for Plaintiff's arrest.

13. State whether you gave any statement, oral, written or tape recorded, signed or unsigned to an investigator (internal or otherwise) in connection with the incident alleged in the complaint. If yes, state the current location of each original statement.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Defendant Officer states: To the best of my knowledge I have not given any statement.

14. State the name and current or last known address of each and every individual you may call as a witness in the trial of this matter.

**ANSWER:** Please see the Defendants' joint 26(a) disclosures, as well as the disclosures from Plaintiff and the University of Chicago Defendants.

15. State whether you ever testified in an court proceeding relating to your interactions with plaintiff on October 18, 2008. If yes, state the date, courtroom, nature of court proceeding, and case number(s) associated with said testimony.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Defendant states as follows: I did not testify in any court proceedings relating to Plaintiff.

16. State whether you performed any duties of any kind as a City of Chicago Police Officer on January 20, 2009 and/or December 6, 2008. If yes, state the hours you performed your duties, and the location(s) where these duties were performed.

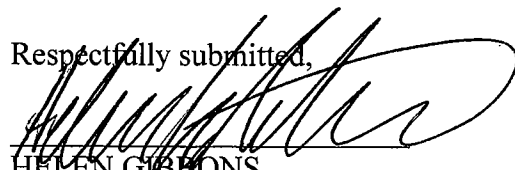
**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence as the Defendant Officer's schedule and whereabouts on date that are not related to the underlying incident are not relevant.

17. State each and every fact that explains each affirmative defense set forth in your answer to the Complaint. Identify all witnesses who support each affirmative defense, if any, and state the subject matter of each witness' knowledge.

**ANSWER:** Defendant Objects to this interrogatory as unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence and asks for information outside of his personal knowledge, and calls for a legal conclusion. Subject to and without waiving these objections, Defendant Officer states: Please see the information disclosed in Defendants' 26(a)1 disclosures as well as these answers to interrogatories.

Respectfully submitted,

By:

  
HELEN GIBBONS

Assistant Corporation Counsel

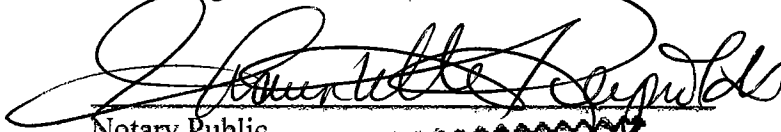
30 N. LaSalle St., Suite 1400  
Chicago, Illinois 60602  
(312) 744-3982  
Attorney No. 062982881

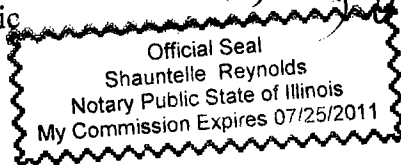
**VERIFICATION**

Vincent Darling , being first duly sworn on oath, deposes and states that he is a Defendant in the above-captioned matter; that he has read the foregoing document, and the answers made herein are true, correct and complete to the best of his knowledge and belief.

  
\_\_\_\_\_  
Vincent Darling

SUBSCRIBED and SWORN to before  
me this 24<sup>th</sup> day of June, 2009


  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

I, HELEN GIBBONS, an attorney, certify that I caused copies the attached document to be served on MEGHAN A. GONNISSEN, Ed Fox & Associates, 300 West Adams - Suite 330, Chicago, IL 60606 , by messenger deliver and Steven M. Puiszis, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601 by United States mail, first class postage prepaid this 6<sup>th</sup> day of July 2009.

By:

  
HELEN GIBBONS  
Assistant Corporation Counsel

30 N. LaSalle St., Suite 1400  
Chicago, Illinois 60602  
(312) 744-3982  
Attorney No. 062982881



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHARLES BOYLE,	)	
	)	No. 09 C 1080
Plaintiff,	)	
	)	
vs,	)	JUDGE BUCKLO
	)	
University of Chicago Police Officer	)	
LARRY TORRES, Star #1028, University of	)	Magistrate Judge Denlow
Chicago Police Officer CLARENCE E. MOORE,	)	
Star #1012, University of Chicago Police Officer	)	
GALARZA, University of Chicago Police Officer	)	
KWIATKOWSKI, University of Chicago Police	)	
Officer GILLESPIE, UNIVERSITY OF	)	
CHICAGO, Chicago Police Officer V. DARLING,	)	
Star #19135, Chicago Police Officer C. E.	)	
MARTIN, Star #17246, and the CITY OF	)	
CHICAGO,	)	
	)	
Defendants.	)	

**DEFENDANT OFFICER MARTIN'S ANSWER TO  
PLAINTIFF'S INTERROGATORIES**

Defendants Officer Martin, by his attorney, Helen Gibbons, Assistant Corporation Counsel, answers Plaintiff's Interrogatories as follows:

**Interrogatories**

1. Please identify (including title) all persons who assisted in the responses to these interrogatories.

**ANSWER:** Defendant Officer objects to this interrogatory as vague and ambiguous as to "assisted", overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Defendant Officer states as follows: Police Officer Carl Martin and Helen C. Gibbons, Assistant Corporation Counsel, City of Chicago Department of

Law, 30 North LaSalle Street, Suite 1400, Chicago, Illinois.

2. Please identify all persons, including but not limited to police officers, who witnessed or have knowledge of the incident alleged in the Plaintiff's Complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence and asks for information outside of his personal knowledge. Subject to and without waiving this objection, Defendant Officer states: The University of Chicago Officers have knowledge of the incident alleged in Plaintiff's complaint, Chicago Police Sergeant Witczack and Officer Mark Jones were also there. By the time my partner Officer Darling and I arrived at the scene of the arrest, Plaintiff was already in handcuffs, there were a number of people there, but I do not know specifically who they are. There was a man and a woman, to the best of my knowledge the man indicated that Plaintiff was his cousin, but that he had not seen the interaction with Plaintiff and the University.

3. Please identify all persons, including but not limited to police officers, who are believed by defendants to have knowledge supporting Defendant's denials of Plaintiff's allegations. Briefly summarize what knowledge Defendant believes each person may possess.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is vague as to the term "police officers" as this case involves two separate entities with employees called police officers, overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent it calls for a legal conclusion. Subject to and without waiving this objection, Defendant Officer states: Plaintiff knows that my partner Officer Martin

and myself only arrived after he was in custody, also, please see my answer to the previous interrogatory.

4. Identify all police officers who were present at or near 1435 East 53<sup>rd</sup> Street, Chicago, Illinois 60615 at the time of the incident alleged in the complaint, and for each such officer indicate the following:

- a) Why he/she was at that location;
- b) Whether he/she had any physical contact with Plaintiff;
- c) Whether he/she participated in the arrest of Plaintiff;
- d) Whether he/she participated in the search of Plaintiff;
- e) Whether he/she had any participation in the bring of criminal charges against Plaintiff.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is vague as to time-frame, overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent it is duplicative of the previous two interrogatories and is therefore harassing. Subject to and without waiving this objection, Defendant Officer states: The co-defendants, as well as Chicago Police Officer Mark Jones and Sgt. Witzack. My partner and I were not present for the Plaintiff's arrest, nor did we have any contact with Plaintiff until later. University of Chicago Officers searched Plaintiff, we watched, and then he was placed in our car.

My partner and I did the relevant paper work, University of Chicago Officers signed the complaints.

5. If there were any investigations, including, but not limited to, an internal affairs, O.P.S., or Independent Police Review Authority investigation, relating to the incident alleged in Plaintiff's Complaint, please state who conducted and/or took part in it, and state and describe its findings.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it asks for information outside of his personal knowledge. Subject to and without waiving this objection Defendant Officer states: I am not aware of any investigation being instituted, my understanding is that a CR has been opened because of the filing of this lawsuit, but I am not sure the status of the investigation.

6. State whether you sustained any physical injury during your interaction with Plaintiff on or about October 18, 2008. If yes, describe your injury. Additionally, if you received any medical treatment for your injury state the date(s) of your treatment and identify the medical provider(s).

**ANSWER:** No.

7. Please state and describe your understanding of the policies and customs which govern the writing of any kind of log and/or report including, but not limited to, complaint report, arrest report, search report, property report, supplemental report, or otherwise, (1) when an individual is arrested for interfering with a public officer – resisting/obstructing/disarming an officer and (2) when an arrest is commenced and/or made by a University of Chicago Police Officer. Included in this response, must be when a log, report, or other document is to be written, on what type of form it is to be written, and what facts are to be put in such log, reports, or other document.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge, and to the extent this asks for information regarding University of Chicago Police Officers and their policies and customs. Please see general orders regarding the policies and customs responsive to this interrogatory.

8. Please state how long and in what capacity you have been employed by the City of Chicago Police Department. Your response should include a brief description of your change in assignments and/or rank if any, and when those changes occurred.

**ANSWER:** Defendant Officer objects to this interrogatory insofar as it seeks personal identifying information for law enforcement personnel, Subject to these objections Defendant states as follows: I was appointed September 28, 1998 and have worked in the 21<sup>st</sup> district since my appointment as a Patrol Officer.

9. Please describe your assignment with the City of Chicago Police Department on October 18, 2008. Your response should include the actual time you began and ended your duties.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, asks for information outside of his personal knowledge.

Subject to and without waiving these objections, Defendant Officer states as follows: I was assigned to beat 2132, which is part of a robbery mission, and also provides support for other beats in the surrounding area as needed. Beat 2132 is runs from 47<sup>th</sup> Street to 60<sup>th</sup> Street, and from the Lake to Blackstone. I worked from 12am to 8am which is 1<sup>st</sup> watch.

10. State the case number, caption, and jurisdiction of all civil cases in which you were named a defendant during the course of your employment with the City of Chicago Police Department.

**ANSWER:** This action is the only civil case that I have been named a defendant during the course of my employment with the City of Chicago Police Department .

11. Identify all complaints ( and the names of all complainants), including but not limited to, complaints of false arrests, excessive use of force, unlawful search and/or seizure, perjury, malicious prosecution, or general misconduct which have been lodged against you during the course of your career with the City of Chicago Police Department. Your response should list each number, such as complaint register number, that has been assigned to each complaint, indicate when each investigation was concluded, and state the nature of punishment, if any, received by the defendant as a result of the complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendant Officer's 5-year complaint history will be tendered upon entry of the appropriate protective order.

12. Identify all documents, notes, memoranda, or other writings, including internal investigations statements, police reports, and inter-agency memos which you wrote which relate or refer to the Plaintiff and/or the incident alleged in the Plaintiff's complaint.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and calls for information outside of his personal knowledge. Subject to and without waiving these objections Defendant Officer states: I wrote the complaints relative Plaintiff's arrest.

13. State whether you gave any statement, oral, written or tape recorded, signed or unsigned to an investigator (internal or otherwise) in connection with the incident alleged in the complaint. If yes, state the current location of each original statement.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Defendant Officer states: To the best of my knowledge I have not given any statement.

14. State the name and current or last known address of each and every individual you may call as a witness in the trial of this matter.

**ANSWER:** Please see the Defendants' joint 26(a) disclosures, as well as the disclosures from Plaintiff and the University of Chicago Defendants.

15. State whether you ever testified in an court proceeding relating to your interactions with plaintiff on October 18, 2008. If yes, state the date, courtroom, nature of court proceeding, and case number(s) associated with said testimony.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Defendant states as follows: I did not testify in any court proceedings relating to Plaintiff.

16. State whether you performed any duties of any kind as a City of Chicago Police Officer on January 20, 2009 and/or December 6, 2008. If yes, state the hours you performed your duties, and the location(s) where these duties were performed.

**ANSWER:** Defendant Officer objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence as the Defendant Officer's schedule and whereabouts on date that are not related to the underlying incident are not relevant.

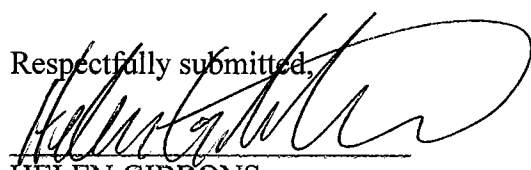
17. State each and every fact that explains each affirmative defense set forth in your answer to the Complaint. Identify all witnesses who support each affirmative defense, if any, and state the subject matter of each witness' knowledge.

**ANSWER:** Defendant Objects to this interrogatory as unduly burdensome, seeks information not reasonably calculated to lead to the discovery of admissible evidence and asks for information outside of his personal knowledge, and calls for a legal conclusion. Subject to and without waiving these objections, Defendant Officer states: Please see the information disclosed in Defendants' 26(a)1 disclosures as well as these answers to interrogatories.



Respectfully submitted,

By:

  
HELEN GIBBONS

Assistant Corporation Counsel

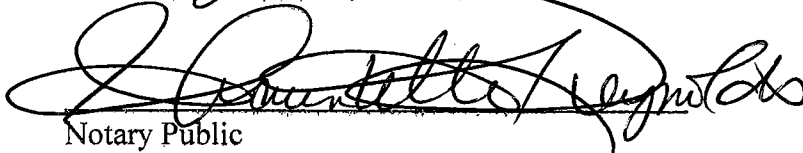
30 N. LaSalle St., Suite 1400  
Chicago, Illinois 60602  
(312) 744-3982  
Attorney No. 062982881

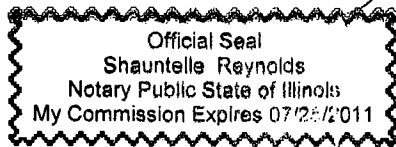
**VERIFICATION**

Carl Martin, being first duly sworn on oath, deposes and states that he is a Defendant in the above-captioned matter; that he has read the foregoing document, and the answers made herein are true, correct and complete to the best of his knowledge and belief.

  
\_\_\_\_\_  
Carl Martin

SUBSCRIBED and SWORN to before  
me this 24<sup>th</sup> day of June, 2009

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

I, HELEN GIBBONS, an attorney, certify that I caused copies the attached document to be served on MEGHAN A. GONNISSEN, Ed Fox & Associates, 300 West Adams - Suite 330, Chicago, IL 60606 , by messenger deliver and Steven M. Puiszis, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601 by United States mail, first class postage prepaid this 6<sup>th</sup> day of July 2009.

By:

  
HELEN GIBBONS  
Assistant Corporation Counsel

30 N. LaSalle St., Suite 1400  
Chicago, Illinois 60602  
(312) 744-3982  
Attorney No. 062982881

**DEFENDANTS' EXHIBIT O**

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT-FIRST MUNICIPAL DISTRICT

THE PEOPLE OF THE )  
STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
vs ) #08MC1277951  
 ) Branch 46  
 )  
CHARLES BOYLE, )  
 )  
Defendant. )

REPORT OF PROCEEDINGS of the Motions and  
Hearing before the Honorable THOMAS DONNELLY, Judge of  
said court, on the 20th day of January, 2009.

APPEARANCES:

HON. ANITA M. ALVAREZ,  
State's Attorney of Cook County, by:  
MR. WILLIAM COTTER,  
Assistant State's Attorney,  
appeared for the People;

MR. ED FOX, Atty.,  
appeared for the Defendant.

Oona Campbell-Smith, C.S.R.  
Official Court Reporter, #084-001439  
69 W. Washington Street  
Chicago, Illinois 60602.

1 THE CLERK: Charles Boyle.

2 THE COURT: This case is set for trial. There  
3 is also, at least it appears, several pending motions.  
4 Are both sides ready to argue on the motions?

5 MR. FOX: Excuse me, judge. My understanding  
6 was the Court indicated the motion would be today and  
7 trial would be tomorrow morning.

8 THE COURT: That's indeed how we proceed. We do  
9 motions and instructions conference today. And then  
10 proceed with the testimony tomorrow.

11 MR. FOX: Okay.

12 THE COURT: As to the motion, both sides ready  
13 to argue on the motion?

14 MR. FOX: Yes.

15 MR. COTTER: Yes.

16 THE COURT: I have three motions before the  
17 Court. A motion to dismiss. A motion to quash and a  
18 pretrial motion for discovery.

19 As to the motion to quash and suppress  
20 evidence, you will be proceeding by way of testimony  
21 evidence with respect to that. So we will reserve ruling  
22 on that.

23 However, the motion to dismiss and pretrial  
24 motions for discovery will be addressed by the Court at

1 driver to stop, wait a minute, buddy. They are not  
2 suspicious themselves of a stolen vehicle. That's  
3 inconsistent of horn honking. Can do no better than  
4 attract attention.

5 My client and their friends are not making  
6 attempt to get away, as if in a stolen vehicle. So they  
7 are attracting attention to themselves to park  
8 practically right next to a police car. And there is a  
9 horn honking. At the end of the day, that's what we are  
10 left with.

11 If I was driving down the street, with my  
12 family, and the same thing happened, we would not be  
13 here. It just boggles my mind, in that sense.

14 THE COURT: All right. I have heard the  
15 evidence and arguments of counsel.

16 The motion to suppress will be granted. For  
17 many reasons. One, I do not believe this meets the  
18 standard under Terry. I was waiting to see whether the  
19 state would argue this was community safekeeping stop.  
20 They did not chose to argue that. I am not sure whether  
21 it was needed, under that standard.

22 But certainly I don't think under the argued  
23 standard, articulable suspicion that the car was stolen.  
24 I don't think the officer had, judging from totality of

1 the circumstances, reason to believe that something  
2 criminal was afoot here.

3 The officers also, both the officers had, I  
4 think, problems with credibility. The facts regarding  
5 the way the vehicle stopped, and the conduct of the  
6 defendant, were not included in the report. And that  
7 impeachment by omission, specifically, with the testimony  
8 of Ms. Glover, who I found to be highly credible.

9 Those two things together. I don't believe  
10 the officer's testimony, with respect to the way the stop  
11 actually occurred. I think these are facts, that these  
12 are such important facts, that if they occurred they  
13 would have included in the report.

14 Also, just even if I go with them and concede  
15 all these things, the officer didn't say, didn't offer  
16 any basis for his opinion that a solid horn is indicative  
17 of a stolen car. He has just voiced that opinion,  
18 without supporting that with any experience that he has  
19 had in prior five or six times, perhaps he knows this is  
20 connected to a stolen vehicle. There was nothing to  
21 support that.

22 So that testimony that this sound is  
23 articulable suspicion of stolen motor vehicle or horn  
24 malfunctioning was not persuasive.



1           In Illinois, particularly, we have the right,  
2 not only to be free from unreasonable search and seizure.  
3 Article one, Section six, of Illinois Constitution  
4 provides we have the right to privacy. The right to be  
5 left alone. And state intervening and stopping us in our  
6 daily life has to be reason to do so. Reason that stands  
7 up in court.

8           The Court does not find, in this instance,  
9 the two officers had sufficient reason to stop Mr. Boyle.  
10 And for all those reasons, the Motion to Suppress will be  
11 granted.

12           And based on that, with respect to the  
13 underlying criminal charge?

14           MR. COTTER: Motion State nolle pros.

15           THE COURT: All charges are dismissed against  
16 you, Mr. Boyle. You are free to go. The case is  
17 dismissed. The defendant is discharged.

18                       (Which was all the evidence heard  
19                       in the above-entitled cause.)

20

21

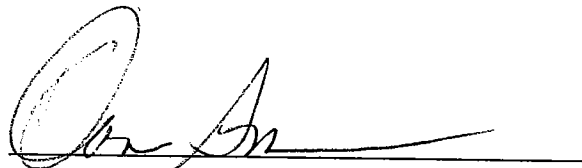
22

23

24

1     IN THE CIRCUIT OF COOK COUNTY, ILLINOIS  
2                     FIRST DISTRICT

3  
4         I, OONA CAMPBELL-SMITH, an Official Court Reporter of  
5     the Circuit Court of Cook County, County Department  
6     Municipal Division, do hereby certify that I reported in  
7     shorthand the proceedings had on the hearing in the  
8     above-entitled cause; that I thereafter caused to be  
9     transcribed into typewriting the above Report of  
10    Proceedings, which I hereby certify is a true and correct  
11    transcript of the proceedings had upon the hearing of the  
12    defendant before the Honorable THOMAS DONNELLY, Judge of  
13    said Court.

14  
15  
16  
17                       
18

19                     Official Court Reporter.

20  
21  
22  
23     Dated this 1st day of  
24     April, 2009.

**DEFENDANTS' EXHIBIT P**

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 08127795101

CHARLES D BOYLE

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5/31-1-A M RESIST/OBSTRUCT - PEACE O

720-5/31-1-A M RESIST/OBSTRUCT - PEACE O

The following disposition(s) was/were rendered before the Honorable Judge(s):

10/21/08 BOND SET BY RULE OF COURT

12/04/08 5134

12/04/08 APPEARANCE FILED

RYAN JIM

12/04/08 MOTION FOR DISCOVERY

S 2

RYAN JIM

12/04/08 JURY DEMAND BY DEFENDANT

12/12/08 6146

RYAN JIM

12/12/08 APPEARANCE FILED

DONNELLY, THOMAS M.

12/12/08 MOTION FOR DISCOVERY

S 2

DONNELLY, THOMAS M.

12/12/08 CONTINUANCE BY AGREEMENT

11/20/09 6146

DONNELLY, THOMAS M.

01/20/09 DISMISSED

CALL

DONNELLY, THOMAS M.

01/20/09 MOTION TO SUPPRESS

S 2

DONNELLY, THOMAS M.

01/20/09 NOLLE PROSEQUI

CALL

DONNELLY, THOMAS M.

01/20/09 TRANSFERRED

01/20/09 6146

RM 303

RIVKIN-CAROTHERS ANITA

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 03/19/09

  
DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY